

A BRIEF ACCOUNT

Of the several Houses of Assembly in Lower Canada, with remarks tending to show the rise and progress of parliamentary privileges claimed and exercised by that body.
(Continued.)

On the 8th March, in consequence of a summons having previously been served on Mr. Justice Foucher, (Member for Three Rivers) by John Johnson, one of the Bailiffs of the Court of King's Bench, in the Wardrobe, during the sitting of the House, it was resolved,

"That to send for a Member of that House when in his place, attendant on the duties thereof, and on his withdrawing in consequence into an apartment thereof, or appendage thereto appertaining, to serve upon him a summons, or other civil process, is a breach of the privileges of this House: and it was further resolved, "That John Johnson, a Bailiff of the Court of King's Bench, for such breach of the privileges of this House, be taken into custody by the Sergeant at Arms, and that Mr. Speaker do issue his warrant accordingly.

The day following, on a petition from Johnson being presented to the house, it was resolved, that no further proceedings should be had against him.

On Thursday, 24th March, upon a motion of Mr. Bedard, seconded by Mr. Tascheau, it was resolved: "That this House will on Monday next resolve itself into a committee of the whole House, to take into consideration the alterations it may be expedient to establish touching the nature and consequences of grants in free and common socage, and the precautions necessary to be adopted to prevent the Crown lands being settled by strangers, possessing principles inimical to those necessary for preserving this country to His Majesty's Empire."

It is deserving of remark, that this is the first attempt on the part of the Assembly to impugn the Royal Prerogative with respect to the waste lands of the Crown, and to dictate to the Sovereign by what means, and by what description of people, those lands shall be settled!

On Monday, March the 28th, sixteen members only being present, it was resolved [yeas 11, nays 5,] "That for the remainder of this Session, eleven members, Mr. Speaker included, shall be a competent quorum to proceed to the dispatch of public business," after which the House formed itself into a committee of the whole for the purpose of taking into consideration the resolve made on the Thursday preceding relative to the waste lands of the Crown.

On the first of April the consideration of the same subject was renewed, but no further resolutions were made respecting it during the remainder of the Session. In this Session thirty four Bills were passed, including a Bill of aid for repairing and ameliorating the Castle of St. Lewis, and one, viz. "a Bill for erecting two common Gaols, with Court Halls, in the inferior District of Gaspé," was reserved for the signification of His Majesty's pleasure.

We have now arrived at a period which may be considered as a new era in the history of Canadian politics. The prudence, moderation and good sense by which the several Houses of Assembly had hitherto been distinguished, suddenly disappeared, and it becomes of importance to observe the inferior selection, in point of character and respectability, which from this time generally took place throughout the Province in the choice of Representatives, and to trace and lay open the latent causes of those scenes of violence, contention and disorder which have since been exhibited by the Assembly of Lower Canada. With this view, instead of going through the drudgery of making lengthy extracts from the Journals, we shall give a rapid sketch of the political events in that Province subsequent to the year 1807, combining therein a brief review of the proceedings of the Executive authority, as well as of those of the Legislative Bodies.

And here we are compelled to recal the recollection of our readers to the establishment of a Canadian Press at Quebec towards the close of the year 1806, from which was issued a paper entitled "*Le Canadien*." It is notorious that this paper was under the management of certain leading characters in the Assembly, who evidently wished to render it subservient to their views in that House, and thereby to increase the weight and influence

of the Assembly, at the expence of the just authority and influence of the Crown, and of the Constitutional rights and privileges of the upper house of the Provincial Parliament.

This paper, which was published weekly in French, and circulated with great industry throughout the Lower Province, abounded in professions of loyalty and devotion to His Majesty's person and Government, at the same time that, with the most subtle malignity, it attempted to vilify and bring into contempt His Majesty's Representative, to persuade the mass of the people that the Assembly was superior to and independent of the other branches of the Legislature, and to excite in the minds of the French Canadians the bitterest enmity against the English part of the community.

The new Assembly, [which was the 51th,] met on the 10th of April, 1809, and was prorogued on the 16th of May.

It manifested nothing of the moderation, dignity and decorum by which the preceding Assemblies had been distinguished. With a view of trying how far they would be permitted to go, motions were repeatedly made implying a right in the Assembly to superintend and control the Executive power, and, more particularly, to decide by their own resolves on the privileges to which that body might lay claim.

The right of prohibiting not only individuals, but certain classes of His Majesty's subjects, from being elected Members of the Assembly, was attempted in this Session to be carried by a simple resolve of the House; and such was the nature of their proceedings that the Governor judged it expedient suddenly to prorogue, and immediately afterwards to dissolve the Assembly. In his speech from the Throne on this occasion His Excellency addressed the House in the following words.

"Gentlemen of the House of Assembly, "When I met you at the commencement of the present Session, I had no reason to doubt your moderation or your prudence, and I therefore willingly relied upon both. Under the guidance of these principles, I expected from you a manly sacrifice of all personal animosities and individual dissatisfactions, a watchful solicitude for the concerns of your country, and a steady perseverance in the executing of your public duty with zeal and dispatch. I looked for earnest endeavours to promote the general harmony of the Province, and a careful abstinence from whatever might have a tendency to disturb it; for due, and therefore indispensable attention to the other branches of the Legislature, and for prompt and cheerful co-operation and assistance in whatever might conduce to the happiness and welfare of the colony. All this I had a right to expect, because such was your constitutional duty; because such a conduct would have been a lasting testimony, as it was the only one sought for by His Majesty's Government, of that loyalty and affection which you have so warmly professed, and which I believe you to possess; and because it was particularly called for by the critical conjuncture of the times, and especially by the precarious situation in which we then stood with respect to the American States. I am sorry to add, that I have been disappointed in all these expectations, and in every hope on which I relied.

"You have wasted in fruitless debates, excited by private and personal animosities, or by frivolous contests upon trivial matters of form, that time and those talents to which within your walls, the public have an exclusive title; this abuse of your functions, you have preferred to the high and important duties which you owe to your Sovereign and to your constituents; and you have thereby been forced to neglect the consideration of matters of moment and necessity which were before you, while you have at the same time virtually prevented the introduction of such others as may have been in contemplation. If any further proof of this misuse of your time were necessary, I have just presented it, in having been called on, after a session of five weeks, to exercise His Majesty's prerogative of assent to the same number of Bills, three of which were the mere renewal of annual acts to which you stood pledged, and which required no discussion.

To be continued.